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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,082	09/01/2005	Emerson Nerat	37114-214276	5103
26594	7590	04/06/2009		
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER BROWN, VERNAL U	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 04/06/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,082

Applicant(s)

NERAT, EMERSON

Examiner

VERNAL U. BROWN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-7, 11, 17-20, 30-69 and 76-87 is/are rejected.
- 7) ☐ Claim(s) 8-10, 12-16, 21-29 and 70-75 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The application of Emerson Nerat for Wide Area and large Capacity Intelligent Object Tracking System and Method filed 9/01/2005 has been examined. Claims 1-87 are pending.

The response period is restarted to the mailing date of this action.

Specification

The abstract of the disclosure is objected to because there are some extra characters on the page of the abstract. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, claim 5 recites the limitation of the first part of the plurality of primary base station and the second part of the plurality of base station. The first and second part of the base station is not defined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 37-39, 58, 60, 62-69, 76-87 are rejected under 35 U.S.C. 102(b) as being anticipated by Bledsoe US Patent 5742237.

Regarding claim 1, 3, 58, 60-64, and 87, Bledsoe teaches a primary base station (15A) and a pair of secondary base stations (figure 1);

Each of the secondary base station is coupled to the base station so as to provide a tag detecting cell which is the coverage area provided by each base station (col. 4 lines 54-58);

each of the base station (15A, 15, 15) is configured to receive a tag signal broadcast signal from a tag attach to an object to be tracked yielding three received signals indicative of the location of the tag within the cell (col. 5 lines 1-17).

Regarding claim 2, Bledsoe teaches plurality of primary (central) base station (col. 11 lines 42-53).

Regarding claim 4, 6-7, 65Bledsoe teaches the primary base station (15) is connected to a central server (17).

Regarding claim 5, Bledsoe teaches a computer (17) as the control unit coupled to the base station (figure 1).

Regarding claim 37, Bledsoe teaches the secondary base station (15) is coupled to the primary base station (figure 1).

Regarding claims 38-39, 76-81, Bledsoe teaches a tag attached to thee object to be tracked (col. 4 lines 50-57) and the tag include a memory for storing its identification (col.19 lines 15-20). Bledsoe also teaches the tag includes its own power supply (col. 20 lines 1-6).

Regarding claim 66, Bledsoe teaches grouping the tag base on zone covered by a particular monitor (col. 10 line 66-col. 11 line 14).

Regarding claim 67-69, Bledsoe teaches communicating a list of activated tag to the server (col. 3 lines 1-3).

Regarding claim 82, Bledsoe teaches verifying the integrity of signal transmission from the tag by performing CRC checking (col. 19 lines 15-20).

Regarding claim 83-86, Bledsoe teaches the location of the tag is determined base on the signal strength of the received signal and grouping the tags(col. 24 lines 5-12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Carsten et al. US Patent 3898619.

Regarding claim 11, 17-19, Bledsoe is silent on teaching a display for displaying the location of the tag. Carsten et al. in an analogous art teaches displaying the location of a tag based on the received location information (col. 2 lines 43-64). The examiner takes official notice that touch screen display are conventionally used as a means of selecting the desired display and wireless connection between the server and the tag tracking system is an alternative to the wired connection.

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Carsten et al. because displaying the location of the tag provides instant notification of the location of the tag to the user.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Carsten et al. US Patent 3898619 and further in view of Joao US Patent 6542076.

Regarding claim 20, Bledsoe is silent on teaching the tag tracking system include a telephone. Joao in an analogous art teaches a telephone connecting to a tracking system in order to communicate information about the object being tracked (col. 4 lines 3-12).

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Joao because this provides a means of communicating information about the track objects to a remote location.

Claim 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Sato et al. US Patent 5210785.

Regarding claims 21-23, Bledsoe is silent on teaching a recovery apparatus coupled to the central server. Sato et al. teaches a recovery apparatus such as a backup power supply for preventing the loss of data due to power failure (col. 8 lines 21-32).

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Sato et al. because a recovery apparatus such as a backup power supply prevent the loss of data due to the loss of power.

Claims 38-39, 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Katz et al. US Patent 4816824.

Regarding claims 38-39, 45, Bledsoe is silent on teaching a tag managing server for communicating with the remote server. Katz et al. in an analogous art teaches an inventory server (42) connected to a remote server (40) (col. 6 lines 5-24) and it is the examiner's position

that the location of central computer and the inventory managing server is based on the environment in which the tracking system employed.

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Katz et al. because the inventory managing server provides additional control and improves the security of the system.

Regarding claim 46, Bledsoe teaches the tag is program with tag related information (col.19 lines 15-20).

Claims 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Cohn US patent 4351548.

Regarding claim 40-43, Bledsoe is silent on teaching the tag is releasable attached to the object. Cohn in an analogous art teaches a tag is reliably attached to an object (abstract).

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Cohn because releasable attaching the tag to the object allows the tag to be available for reuse.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Brick et al. US Patent 6269342.

Regarding claim 44, Bledsoe is silent on teaching the tag emit a visual indicator. Brick et al. in an analogous art teach a RF tag providing a visual indicator such as a LED (col. 12 lines 46-65).

It would have been obvious to one of ordinary skill in the art for the tag to provide a visual indicator because this provides a visual indicator of the operating status of the tag.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Hughes et al. US Patent 5920261.

Regarding claim 47, Bledsoe is silent on teaching the tag related information include battery level of the tag. Hughes et al. in an analogous art teaches the tag related information include the battery level of the tag (col. 9 lines 2-6).

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Hughes et al. because providing information regarding the level of the battery provides an early indication when the battery low and need replacement and further avoid the interruption of the tag's operation.

Claims 48-55, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Caswell et al. US Patent 4636950 and further in view of Verma et al. US Patent 5528232.

Regarding claim 48-54, 61, Bledsoe is silent on teaching a portable unit connected to the central computer. Caswell et al. in an analogous art teaches a portable control unit connected to a central computer for providing update information (col. 1 lines 40-47). Verma et al. teaches placing the tag in a sleep mode in order to save power (col. 10 lines 1-14).

It would have been obvious to on one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Caswell et al. because the portable control unit provide for a more convenient operation of the tracking system and allows the provision of control information remotely to the central computer.

Regarding claim 55, Bledsoe teaches sending a list of missing tags to the central computer and initiating a search for the missing tags (col. 17 lines 13-22).

Claims 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Caswell et al. US Patent 4636950 in view of Verma et al. US Patent 5528232 and further in view of Tuttle US patent 6097301.

Regarding claims 56-57, Bledsoe fail to teach or suggests the object related information include information concerning a plane to be boarded. Tuttle in an analogous art teaches a RF tag attached to a luggage storing the flight number of the destination of a luggage (col. 3 lines 34-45).

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Tuttle because the RF tag provide a means of storing destination of information of the luggage and provides for the automatic tracking of the luggage.

Claims 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Caswell et al. US Patent 4636950.

Regarding claim 59, Bledsoe teaches a primary base station (15A) and a pair of secondary base stations (figure 1);

each of the secondary base station is coupled to the base station so as to provide a tag detecting cell which is the coverage area provided by each base station (col. 4 lines 54-58);

each of the base station (15A, 15, 15) is configured to receive a tag signal broadcast signal from a tag attach to an object to be tracked yielding three received signals indicative of the location of the tag within the cell (col. 5 lines 1-17). Bledsoe teaches a tag attached to three object to be tracked (col. 4 lines 50-57) and the tag includes a memory for storing its identification (col.19 lines 15-20). Bledsoe also teaches the tag includes its own power supply (col. 20 lines 1-6). Bledsoe is silent on teaching a portable unit connected to the central

computer. Caswell et al. in an analogous art teaches a portable control unit connected to a central computer for providing update information (col. 1 lines 40-47).

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Caswell et al. because the portable control unit provide for a more convenient operation of the tracking system and allows the provision of control information remotely to the central computer.

Allowable Subject Matter

Claims 8-10, 12-16, 21-29, 70-75 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 8-10, the prior art of record fail to teach or suggests the primary base station communicate with the tag using a first channel, communicate with other primary base station using a third communication channel and communicate with the central server using a second communication channel.

Regarding claims 12-16, the prior art of record fail to teach or suggest a tag recording unit for activating the tag.

Regarding claims 21-29, the prior art of record fail to teach or suggests a recovery apparatus coupled to the central server which includes a means for inputting a tag unlock code.

Regarding claims 70-75, the prior art of record fail to teach or suggests transmitting to the primary base station a list of checkpoint including sequence of position along an expected itinerary of the tag.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vernal U Brown/
Examiner, Art Unit 2612
March 21, 2009